

AO 91 (Rev. 11/11) Criminal Complaint

UNITED STATES DISTRICT COURT

for the
District of New Mexico

United States of America
v.
Francisco Rodriguez-Moreno
and
Octavio Lopez-Ramirez aka Marcelino
Davalos-Flores

Defendant(s)

Case No.

16mj 798

FILED
UNITED STATES DISTRICT COURT
ALBUQUERQUE, NEW MEXICO
MAR 03 2016
MATTHEW J. DYKMAN
CLERK

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of March 2, 2016 in the county of Bernalillo in the
Judicial District of New Mexico, the defendant(s) violated:

Code Section

Title 21 U.S.C. Section 841(a)(1)
and (b)(1)(A)

Offense Description

Possession with Intent to Distribute 1000 grams and more of a mixture or
substance containing a detectable amount of heroin, a controlled substance

This criminal complaint is based on these facts:

See Attached Affidavit


☒ Continued on the attached sheet.


Complainant's signature

SA Christopher Godier
Printed name and title

Sworn to before me and signed in my presence.

Date: 03/03/2016


Judge's signature

City and state: Albuquerque, New Mexico

U.S. Magistrate Judge
Printed name and title

Affidavit


1. I, Christopher Godier, a Special Agent of the Drug Enforcement Administration (DEA), being duly sworn, depose and state:
2. I am a Special Agent of the Drug Enforcement Administration and have been so employed since August 2003. I am currently assigned to the Albuquerque District Office, of the DEA, specifically assigned to investigate federal drug offenses.
3. This affidavit is made in support of the issuance of a Criminal Complaint charging Francisco Rodriguez-Moreno and Octavio Lopez-Ramirez aka Marcelino Davalos-Flores aka Julio Cesar Lopez-Ramirez with possession with intent to distribute 1000 grams and more of a mixture or substance containing a detectable amount of heroin, in violation of Title 21 U.S.C. Sections 841(a)(1) and (b)(1)(A).
4. On February 19, 2016, United States Magistrate Judge Steven Yarbrough signed a search warrant for 7520 Forsythe Road SW, Albuquerque, NM 87121.
5. On March 2, 2016, at approximately 7:00 a.m. agents established surveillance at 7520 Forsythe Road SW, Albuquerque, NM. 87121.
6. At approximately 8:24 a.m. a Hispanic male later identified as Francisco Rodriguez-Moreno departed in a black Pontiac G6 bearing New Mexico license plate 16T-041612, which is registered to Julio CESAR at 9301 Volcano Road NW, Albuquerque, New Mexico, space 84. I recalled that this was the same vehicle observed on February 10, 2016, which was used to deliver heroin to a Region III CS on that date as documented in the search warrant affidavit for 7520 Forsythe Road SW, Albuquerque, NM. Surveillance of Rodriguez was maintained while he drove the Pontiac. Rodriguez was observed meeting with a Hispanic male at 503 Camillo St. at approximately 8:34 a.m.
7. Rodriguez then drove to 305 Princeton SE, arriving at approximately 8:50 a.m. and met with a white male briefly who was observed returning to apartment #3 after meeting with Rodriguez. Rodriguez then drove back to interstate 25 and travelled north.
8. At approximately 8:57 a.m. a silver Chevrolet pickup bearing Colorado license plate QQI-880, which is registered to Alejandro Mendoza-Alvarez arrived and pulled into the garage of 7520 Forsythe Rd SW, and agents observed the garage door close.
9. At approximately 9:04 a.m. Region III Sgt. Wayne Shelton utilized his vehicles emergency equipment to initiate a stop of the Pontiac G6. Rodriguez stopped on north bound Interstate 25, south of Alameda and Sgt. Shelton observed that Rodriguez was moving around in the vehicle and appeared to reaching under the seats of the vehicle. Sgt. Shelton asked Rodriguez to step out of the vehicle and Region III Agent Mark Esparsan observed 12, aluminum foil wrapped balls, each approximately the size of a marble contained in a clear plastic baggy lying on the dash board of the vehicle in plain view. Rodriguez was arrested and transported to 7520 Forsythe Road SW, Albuquerque, NM after agents made entry and secured the residence at 7520 Forsythe Rd SW. A more through search of the Pontiac G6 resulted in the

seizure of approximately 425 gross grams of heroin in total from the vehicle.

10. At approximately 9:30 a.m., Albuquerque Drug Enforcement Administration agents and Region III Narcotics Task Force Agents executed the search warrant at 7520 Forsythe Road SW, Albuquerque, NM and encountered Octavio Lopez-Ramirez standing just outside the front door of the residence with the front door of the residence open. Lopez-Ramirez was handcuffed and detained.
11. A search of the residence was conducted and approximately 1070.6 gross grams of heroin were located in the hallway bathroom of the residence under the bathroom sink. I located seven aluminum balls of heroin in a clear plastic bag and I found the remainder of the heroin was concealed in a red plastic water jug under this sink. The heroin had been packaged in multiple ball shapes, and some were covered in aluminum foil, some with black electrical tape and some wrapped in balloons. A large sum of United States currency was located in the south east bed room of the residence hidden in a paper bag and concealed in the sleeve of a coat found hanging in the closet. Further, agents located approximately 583 grams of a brown substance believed to be cutting agent contained in multiple plastic bags in the kitchen of the residence. Agents also seized large amounts of packaging materials from the kitchen area of the residence and I observed that the packaging materials were consistent with the materials used to package the heroin located in the residence and the Pontiac G6.
12. HSI Deportation Officer Matthew Salcido as witnessed by Region III Agent Thomas Maes, read Lopez-Ramirez his rights per *Miranda*, in Spanish and Lopez-Ramirez advised that he understood his rights and agreed to waive his rights and speak with agents. Agent Kevin Mondragon and Region III Agent William Fresquez interviewed Lopez-Ramirez. Lopez-Ramirez advised that he resided at 7520 Forsythe Rd SW, and that he and Rodriguez-Moreno were distributing heroin in the Albuquerque area. Lopez-Ramirez advised agents that the heroin was under the bathroom sink in a water jug. Lopez-Ramirez also advised that he was aware that Rodriguez was in possession of the heroin that was found in the Pontiac G6 that Rodriguez-Moreno was driving on this date. Lopez-Ramirez also advised that he believed that approximately \$8030.00 was present in the house but he did not give the location of the money.
13. SA Kevin Mondragon, as witnessed by Agent William Fresquez read Rodriguez-Moreno his rights per *Miranda*, in Spanish and Rodriguez-Moreno advised that he understood his rights and agreed to waive his rights and speak with agents. Rodriguez-Moreno advised that he and Lopez-Ramirez reside at 7520 Forsythe Rd SW, and that they sell heroin in the Albuquerque area and split the profits. Rodriguez-Moreno advised that he was aware of the heroin in the Pontiac G6 and was traveling to meet a heroin purchaser in the area of Alameda and Interstate 25 before he was stopped and arrested. Rodriguez-Moreno also advised that the heroin in the residence was located under the bathroom sink in a red water jug. Rodriguez-Moreno also advised that he had hid approximately \$7,000 in United States currency in clothing in the bedroom of the residence located in the sleeve of a jacket.
14. SA David Howell as witnessed by Region III Agent Thomas Maes weighed the heroin seized

and obtained a weight of 1070.6 gross grams for the heroin seized from the residence and 425 gross grams for the heroin seized from the Pontiac G6. SA Howell field tested the heroin and obtained a presumptive positive result for the presence of heroin for both quantities of heroin.

15. Based on my training and experience I know that 1495.6 gross grams (425 grams from vehicle and 1070.6 gross grams from residence) of heroin is a distributable amount of heroin and that the amount of packaging materials, bulk currency, and cutting agent are consistent with my belief that Rodriguez-Moreno and Lopez-Ramirez utilized 7520 Forsythe Road SW, Albuquerque, NM., to package and distribute heroin.


Christopher S. Godier, Special Agent
Drug Enforcement Administration
Sworn and subscribed to before me
this 3rd day of March, 2016.



United States Magistrate Judge